IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 20TH SEPTEMBER 2007 / 29TH BHADRA 1929

WP(C).No. 27810 of 2007(I)

AGAINST THE ORDER IN EP.421/04 IN
OS.105/2002 of II ADDL.M.C.,NEYYATTINKARA

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PETITIONER:

RAJASEKHARAN NAIR,
S/O.VELAYUDHAN PILLAI, SUMATHI BHAVAN,
OLATHANNI, KADAVATTARAM DESOM,
NEYYATTINKARA.

BY ADV. SRI.M.RAMESH CHANDER

RESPONDENT:

SASIKUMARAN NAIR, S/O.NARAYANAN NAIR,
VASANTHA NILAYAM, THATHIYOOR DESOM,
PERUMKADAVILA VILLAGE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J

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W.P.(C) No.27810 OF 2007

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Dated this the 20th day of September 2007

JUDGMENT

This writ petition is filed for a direction to the IInd Addl.Munsiff's, Court, Neyyattinaka to consider Ext.P2 objection. The suit is one for realisation of money. The decree holder has taken action to sell 45 cents of property belonging to the judgment debtor for a total value of Rs.60,000/-. The decree debt due is Rs.58,143/-. A perusal of Ext.P2 would reveal that per cent value will come to Rs.30,000/- and therefore the value shown by the court is grossly inadequate and it has not considered the objection submitted by the petitioner. Order XXI Rule 66 enables the court to show the value estimated by the judgment debtor as well in the proclamation. If it is also shown and sale is ordered, then the court can proceed with the sale. If the objection is on file and it is not considered, I direct the court below to consider the objection or incorporate the objection raised by the judgment debtor by permitting the decree holder to amend the sale papers and then proceed in accordance with law for sale of the properties. In order to enable the party to put forth his contention and for the court to consider the same, I

direct that the sale which is posted for today be deferred by one month.

Writ petition is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-